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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,744	01/26/2001	Richard William Falla Le Page	031855.0092	7580

26118 7590 02/28/2003

BROBECK, PHLEGER & HARRISON, LLP
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1333 H STREET, N.W. SUITE 800
WASHINGTON, DC 20005

EXAMINER

DEVI, SARVAMANGALA J N

ART UNIT	PAPER NUMBER
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1645

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/769,744	01/26/01	Page et al.	031855.0092

EXAMINER	
S. Devi, Ph.D.	
ART UNIT	PAPER NUMBER
1645	18

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1) The instant application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, the instant application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. It should be noted that 37 CFR 1.821 (a)(2)(c-d) states that each sequence disclosed must appear separately in the "Sequence listing" and in the text of the description and claims. See M.P.E.P 2431.

The instant specification recites nucleic acid sequences that contain more than ten nucleotide bases and amino acid sequences with four or more amino acid residues, yet do not identify the sequences by sequence identifiers or SEQ ID numbers as required. The sequences recited all through the specification, including Tables 1-3, are not identified by SEQ ID numbers. Amendments to the specification is required to comply with the Sequence Rules.

2) APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD OF TIME FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R 1.821(g). Extensions of time may be obtained under the provisions of 37 C.F.R 1.136. In no case may an Applicant extend the period of reply beyond the SIX MONTH statutory period. Applicant is requested to return a copy of the

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attached Notice to Comply with the response.

3) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (703) 308-9347. The Examiner can normally be reached on Monday to Friday from 7.45 a.m to 4.15 p.m. except one day each bi-week, which would be disclosed on the Examiner's voice mail system. A message may be left on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (703) 308-3909. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

February, 2003


S. DEVI, PH.D.
PRIMARY EXAMINER

UNITED STATES DEPARTMENT OF COMMERCE
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1) The Applicants' election filed 02/04/03 (paper no. 17) is not responsive to the prior Office Action mailed 12/04/02 (paper no. 15) because of the following omission(s) or matter(s): via paragraph 5 of the Office Action, Applicants were required under 35 U.S.C 121 to further elect one of the sequences or an antibody after electing one of inventions 1-26. Applicants have elected invention 2, i.e., a protein or polypeptide of Table 2. Applicants recite a specific sequence in the paragraph bridging pages 4 and 5 of their election filed 02/04/03 and state that they have elected that sequence from Table 2. However, the recited sequence is not a part of Table 2, or the elected sequence is different from what is in Table 2. Since Applicants' response appears to be *bona fide*, Applicants are given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R 1.136(a).**

2) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (703) 308-9347. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 7.45 a.m to 4.15 p.m. except one day each bi-week which would be disclosed on the Examiner's voice mail system.

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February 2003


S. DEVI, PH.D.
PRIMARY EXAMINER

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Sequences in the specification, including Tables 1-3, containing four or more amino acids or more than 10 nucleotides are not identified by SEQ ID numbers as required.

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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